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1983/05/11

PROTOCOL BETWEEN
THE DEPARTMENT OF TRANSPORTATION
OF THE
UNITED STATES OF AMERICA
AND
THE MINISTRY OF COMMUNICATIONS
OF THE
PEOPLE'S REPUBLIC OF CHINA
ON COOPERATION IN SCIENCE AND TECHNOLOGY OF
TRANSPORTATION

The Department of Transportation of the United States of America and the Ministry of Communications of the People's Republic of China (hereinafter referred to as the Parties), in accordance with and subject to the Agreement between the Government of the United States of America and the Government of the People's Republic of China on Cooperation in Science and Technology, signed in Washington, D. C., on January 31, 1979, and for the purpose of promoting scientific and technical cooperation and collaboration in the field of transportation, have reached agreements as follows:

Article 1

The Parties agree to undertake cooperation and collaboration in science and technology of transportation on the basis of equality, reciprocity and mutual benefit.

Article 2

The Parties agree that cooperation may include science and technology in the following fields:

1. Port engineering;
2. Waterborne transportation;
3. Shipping management;
4. Highway engineering;
5. Traffic management systems;
6. Urban transportation;
7. Other fields as mutually agreed.

Article 3

The Parties agree that cooperation may include the following forms:

1. Exchange of scientific and technical information (in the language of the providing Party) on subjects of common interest;
2. Exchange of specialists, scholars, delegations and scientific and technical personnel;
3. Cooperative research on subjects of mutual interest;
4. Joint organization of symposia and seminars;
5. Exchange and provision of samples, materials, data, instruments and components for testing, evaluation and other purposes;
6. Other forms of cooperation as mutually agreed.

Article 4

Cooperation under this Protocol will be subject to the availability of funds and manpower for the Parties. The specific tasks, obligations and conditions with respect to the activities under Article 3 of this Protocol, including the responsibility for the payment of expenses, shall be decided by mutual agreement on a case-by-case basis.

Article 5

Scientific and technical information derived from the cooperative activities under this Protocol may be made available to the world scientific community, unless otherwise agreed.

Article 6

All activities under this Protocol shall be conducted under the guidance of the US-PRC Joint Commission on Scientific and Technological Cooperation.

In order to coordinate the cooperative activities, each Party shall designate a representative to be responsible for determining the particular directions of cooperation and for ensuring the effectiveness of exchanges. The representatives of the Parties or their designated coordinators will, by correspondence, consult with each other and define the cooperative activities and other related matters. When necessary, and as mutually agreed, they shall meet to consider matters related to the implementation of this Protocol.

The Parties shall name their respective representatives within thirty (30) days of the effective date of this Protocol.

Article 7

Specific activities as mutually agreed, including the financial arrangements, shall be embodied in the Annexes to this Protocol. The Annexes will be concluded by the representatives of both Parties through correspondence.

Article 8

1. The Parties agree that any information of a confidential nature exchanged under this Protocol or Annexes (such as trade-secrets and technical know-how or information with obligations concerning its confidentiality requested by either Party) shall be protected.
2. Any information transmitted by one Party to the other Party under this Protocol shall be accurate and reliable to the best knowledge and belief of the providing Party, but the providing Party does not warrant the suitability of such information for any particular use or application by the receiving Party.

Article 9

1. This Protocol shall enter into force upon signature, and shall remain in force for a five-year period. It may be amended or extended by mutual agreement of the Parties.
2. The termination of this Protocol shall not affect the validity or duration of the specific activities being undertaken hereunder.

Done at Beijing, on the Eleventh day of May 1983, in duplicate in the English and Chinese languages, both texts being equally authentic.

Daniel P. Greg
For the
Department of Transportation
of the
United States of America

For the
Ministry of Communications
of the
People's Republic of China

MEMORANDUM OF CONVERSATION

In order to promote implementation of the Protocol on Cooperation in Science and Technology of Transportation (hereinafter referred to as the "Transportation Protocol") signed on May 11, 1983, between the Department of Transportation of the United States of America and the Ministry of Communications of the People's Republic of China and the Supplementary Agreement relating thereto signed on August 26, 1985, the Chinese Delegation headed by Madam Zheng Guangdi, the Vice Minister of Communications of the People's Republic of China, visited the United States of America from May 5 to May 15, 1987. During the visit, Vice Minister Zheng Guangdi had cordial and friendly, program-related discussions with senior officials of the Department of Transportation and the Corps of Engineers of the U.S. Army. All the members of the Chinese Delegation and the officials of the Department of Transportation and the Corps of Engineers participated in these discussions at which the following were agreed:

- I. Cooperative activities under the Transportation Protocol have been mutually beneficial in promoting cooperation in the science and technology of transportation and the development of the transportation industry of the two countries. Both sides are pleased with the development of Annex I and Annex II to the Transportation Protocol and the cooperative projects contemplated thereunder.
- I. The Transportation Protocol has been working well for both sides which hereby confirm their intention to extend the Protocol at the time of its termination and to authorize appropriate representatives to complete the necessary formalities for its extension.
- III. Both sides undertake to discuss the possibilities for mutual cooperation on research in the field of prevention and treatment of oil pollution at sea.

This Memorandum of Conversation was done at Washington on May 7, 1987.

For the Department of
Transportation of the United
States of America

For the Ministry of
Communications of the People's
Republic of China

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ANNEX I
TO THE PROTOCOL BETWEEN

THE DEPARTMENT OF TRANSPORTATION OF THE
UNITED STATES OF AMERICA

AND

THE MINISTRY OF COMMUNICATIONS OF THE
PEOPLE'S REPUBLIC OF CHINA
ON COOPERATION IN SCIENCE AND TECHNOLOGY
OF HIGHWAY TRANSPORTATION

In accordance with the Protocol between the Department of Transportation of the United States of America and the Ministry of Communications of the People's Republic of China on Cooperation in Science and Technology of Transportation, signed at Beijing on May 11, 1983, by the Department of Transportation of the United States of America and the Ministry of Communications of the People's Republic of China (hereinafter referred to as the Parties); and in order to promote technical development in the highway field, improve transportation conditions, through friendly consultation, the Parties have agreed as follows:

I. SCOPE OF AGREEMENT

The Parties agree to undertake cooperation and exchanges in the highway field on the basis of equality, reciprocity and mutual benefit:

II. AREAS OF COOPERATION

The Parties agree that the cooperation may include the following subjects:

- A. Traffic assessment and prediction, traffic engineering and traffic safety;
- B. Management of highway investment planning, road network planning and road data banks;
- C. Computer-aided design of expressways and new bridge structures;
- D. Improvement of existing roads and strengthening of existing bridges;

2

- A. New road materials and materials testing techniques;
- Road evaluation systems, non-destructive road measurement and bearing-capacity measurement of existing bridges;
- B. Project management, project supervision, and rational use and management of road construction equipment; and
- C. Other subjects as mutually agreed.

III. FORMS OF COOPERATION

The Parties agree that cooperation may include the following forms:

- A. Gratis exchange of highway technical books or information (including some outdated publications if available);
- B. Exchange of delegations for technical visits;
- C. Exchange of experts for special technical seminars or short-term work;
- D. Joint organization of symposia or academic discussions of mutual interest;
- Joint research in specific scientific experiments as agreed; and
- E. Other forms of cooperation as mutually agreed.

IV. COOPERATING AGENCIES

The Federal Highway Administration of the Department of Transportation of the United States of America is authorized to be the United States cooperating agency for this Annex, responsible for coordinating and promoting the cooperative activities of United States organizations under the Annex. The Bureau of Highways of the Ministry of Communications of the People's Republic of China is authorized to be the Chinese cooperating agency for this Annex, responsible for coordinating and promoting the cooperative activities of Chinese organizations under this Annex. All organizations participating in activities under this Annex are bound by its terms.

3

V. PARTICIPATING SPECIALISTS

Each side should assure that the participating specialists have the skills and competence necessary for the cooperative activities agreed under this Annex.

VI. COOPERATION PROJECTS

Both Parties agree that specific cooperative projects and activities as mutually agreed shall be embodied in implementing project arrangements or plans. These arrangements or plans may cover the subjects and term of cooperation, procedures to be followed, organizations to be involved, funding, and other appropriate matters relating to the conditions of the cooperation. The responsibility for the payment of the cost for the cooperative projects shall be discussed and agreed on a case-by-case basis in accordance with the principle of reciprocity.

VII. LOCAL SERVICES

The receiving Party agrees to provide the specialists assigned in the country the following services as necessary for the agreed work:

- A. Office, classroom, laboratory and related equipment and instruments;
- B. Necessary assistants;
- C. Local transportation; and
- D. Translators/interpreters.

VIII. PROJECT OFFICERS

For implementation of this Annex, each party shall appoint a project officer and notify the other side of the appointment within two months of the effective date of this Annex. The project officers shall be responsible for facilitating and coordinating all projects and activities undertaken pursuant to this Annex, including the

resignation of groups of experts to discuss special projects. When necessary, the project officers or their representatives shall meet alternately in the United States of America and the People's Republic of China.

III. EFFECTIVE DATE

This Annex will enter into force upon the date of signature and will remain in effect as long as the Protocol between the Department of Transportation of the United States of America and the Ministry of Communications of the People's Republic of China on Cooperation in Science and Technology of Transportation signed in Beijing on May 11, 1983.

The Parties hereto agree that this Annex can be revised or terminated at any time upon written notification. The termination of this Annex shall not affect the continuation until completion of ongoing specific projects, unless the Parties have otherwise agreed.

Done at Washington, this 10th day of October 1986, in duplicate, in the English and Chinese languages, both texts being equally authentic.

For the Department of
Transportation of the
United States of America:

Ray Babbitt

For the Ministry of
Communications of the People's
Republic of China:

Wu Shih

ANNEX II TO THE PROTOCOL BETWEEN
THE DEPARTMENT OF TRANSPORTATION
OF THE
UNITED STATES OF AMERICA
AND
THE MINISTRY OF COMMUNICATIONS
OF THE PEOPLE'S REPUBLIC OF CHINA
ON
COOPERATION IN SCIENCE AND TECHNOLOGY
OF TRANSPORTATION

The Corps of Engineers of the Department of the Army of the United States of America and the Bureau of Science and Technology of the Ministry of Communications of the People's Republic of China (hereinafter referred to as the "Parties"), in accordance with the Protocol between the Department of Transportation of the United States of America and the Ministry of Communications of the People's Republic of China on Cooperation in Science and Technology of Transportation, signed at Beijing on 11 May 1983 (hereinafter referred to as the "Protocol"), and the Supplementary Agreement thereto signed at Beijing on 26 August 1985, agree in this Annex to pursue and promote scientific and technical cooperation and collaboration in the field of transportation as follows:

ARTICLE I

The objective of this Annex is to provide and promote opportunities for cooperation and collaboration related to research and laboratory activities in science and technology in the fields of port engineering, waterborne transportation and other areas of mutual interest.

ARTICLE II

1. Both Parties agree to undertake scientific and technical cooperation and collaboration on the basis of mutually agreeable specific project arrangements or plans in the various fields of scientific and technical cooperation. The projects and activities may include:

- A. Study on regulation of inland waterways and harbors;
- B. Study on siltation problems of silty and sandy coastal harbors;
- C. Study on effect of wind waves and irregular waves upon harbor structures;
- D. Study on application of mathematical modelling for estuary, harbor and waterway regulation;
- E. Study on the use of hydraulic design to minimize environmental pollution in harbors and waterways;
- F. Study on improvement of testing and measuring instruments for tide, wave, current, and sediment;
- G. Study on application of remote sensing and radio-isotope technology in the development of harbors, estuaries and coastal areas;
- H. Study on properties of soft clayey solid in silty coastal harbors and their effect upon harbor structures;
- I. Study on speedy consolidation technology for silty foundations in harbor construction including submerged silty foundations and filling clay foundations;

J. Study on durability of and anti-corrosion techniques for reinforced concrete and steel structures in harbors;

K. Study on static and dynamic stress analysis, field measurement technology and reliability analysis for harbor structures; and

L. Such other specific fields of scientific and technological cooperation as may be mutually agreed.

2. Cooperation under this Annex may include all the forms provided for in the aforesaid Protocol.

ARTICLE III

1. For the purposes of promoting cooperation under this Annex, each Party shall designate a Project Officer and notify the other side of same within two months of the effective date of this Annex. The Project Officers shall be responsible for facilitating and coordinating all activities undertaken by the Parties pursuant to this Annex, including the designation of groups of experts to discuss special questions.

2. Each year, the Project Officers shall consult each other through correspondence and propose plans for the joint activities undertaken pursuant to Article IV of this Annex.

3. As necessary, the Project Officers or their deputies shall meet alternately in the United States of America and the People's Republic of China.

4. The Corps of Engineers of the Department of the Army shall designate its Project Officer in consultation with the United States Department of Transportation and shall coordinate all activities under this Annex with the United States Department of Transportation which has the responsibility for obligations of the United States under the aforesaid Protocol of 11 May 1983.

ARTICLE IV

1. Both Parties agree that specific cooperation projects and activities as mutually agreed shall be embodied in implementing project arrangements or plans. These arrangements or plans may cover the subjects and term of cooperation, procedures to be followed, organizations to be involved, funding and other appropriate matters.

2. Information involved in projects and activities shall be treated in accordance with the principles set out in Article VIII of the aforesaid Protocol.

ARTICLE V

Each Party shall use its best efforts to facilitate the conduct of cooperative projects and activities in its territory under this Annex.

ARTICLE VI

This Annex shall enter into force upon signature and shall remain in effect as long as the Protocol between the Department of Transportation of the United States of America and the Ministry of Communications of the People's Republic of China on Cooperation in Science and Technology of Transportation signed in Beijing on May 11, 1983. It may be amended or extended by mutual agreement of the Parties.

DONE at Washington, D.C., on the 6th day of May 1987 in duplicate in the English and Chinese languages, both texts being equally authentic.

For the Department of the Army
of the United States of America

Robert T. Johnson

May 3, 1987

For the the Ministry of
Communications of the People's
Republic of China

392

May 3, 1987.